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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1939

No. [redacted] 14

REPUBLIC STEEL CORPORATION, *Petitioner*

vs.

NATIONAL LABOR RELATIONS BOARD

AND

STEEL WORKERS ORGANIZING COMMITTEE,
Respondents

Opposition of Steel Workers Organizing Committee to Motion of Republic Steel Corporation for Leave to File Out of Time, and Petition for Rehearing of Petition for Writ of Certiorari.

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THE CORNELIUS PRINTING COMPANY

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1939

No. 707

REPUBLIC STEEL CORPORATION, *Petitioner*

vs.

NATIONAL LABOR RELATIONS BOARD

AND

STEEL WORKERS ORGANIZING COMMITTEE,

Respondents

Opposition of Steel Workers Organizing Committee to Motion of Republic Steel Corporation for Leave to File Out of Time, and Petition for Rehearing of Petition for Writ of Certiorari.

Now comes the Steel Workers Organizing Committee, respondent herein, and moves this Court to deny the motion of Republic Steel Corporation for leave to file out of time petition for rehearing of petition for writ of certiorari, and respectfully shows as follows:

The Steel Workers Organizing Committee, an unincorporated association affiliated with the Congress of Industrial Organizations, is a labor organization embracing within its membership a substantial number of the workers in the iron and steel industry in the United States. The Steel Workers Organizing Committee was

the charging union in the proceedings before the National Labor Relations Board herein.

Both the Order of the Board, and the Opinion of the Circuit Court of Appeals below show that the Order of the Board, which is the subject matter of this proceeding, arose directly out of a labor dispute between this respondent and the petitioner. The Order of the Board is primarily concerned with directing the petitioner to cease and desist from engaging in unfair labor practices tending to discourage membership in the Steel Workers Organizing Committee and otherwise interfering, through the use of company-dominated organizations and other forms of interference, with the right of the workers freely to choose the Steel Workers Organizing Committee as their representative for the purpose of collective bargaining. The Order of the Board likewise directs the company to reinstate some 5,000 individual steel workers who were unlawfully refused their employment with the petitioner because of their membership and activities in the Steel Workers Organizing Commttiee.

In short, as the representative of the employees of the petitioner, the Steel Workers Organizing Committee is directly and immediately concerned with the enforcement of the Order of the Board, as upheld by the Third Circuit Court of Appeals, upon which certiorari has been refused by this Court.

We submit that the present motion of the petitioner should be denied because in all conscience and equity, it is not entitled to any further delay in the enforcement of the Order of the Board. It is now three years since the petitioner engaged in its outright violations of the National Labor Relations Act. During that time, the workers who were the victims of the lawless conduct on

the part of the petitioner have been remediless. During that time, they have suffered all kinds of damage, including the destruction of the lives of their co-workers, of their union property, and the deprivation of their livelihood. As appears from the findings of fact upheld by the Court of Appeals below, the complaint against the petitioner was issued on July 15, 1937. Hearings were commenced on July 21, 1937, and continued with interruptions until September 27, 1937. A final Order was not issued until October 18, 1938. Thereupon, the petitioner filed a petition in the United States Circuit Court of Appeals for the Third Circuit to review and set aside the Order of the Board. The Opinion of the Circuit Court of Appeals was filed on November 8, 1939, and on April 8, 1940, this Court denied the petition for certiorari. Thus, only after years of litigation and delays, largely attributable to the efforts of the petitioner to exhaust its full remedies before complying with the law, are the steel workers, whom the Steel Workers Organizing Committee represents, to have the grievous wrongs done to them remedied.

By the present motion the petitioner seeks further delay. If this motion should be granted, it would mean that the enforcement of the Order of the Board will be delayed for several additional months. The petitioner seeks a rehearing on a narrow question, namely, whether it shall be required to reimburse the public authorities for the amounts which employees have received from such authorities for work performed during the time that they were unlawfully deprived of their livelihood by the petitioner's unlawful conduct.

This narrow question was raised and fully argued by the petitioner in its original petition of certiorari. It was fully argued by the petitioner before the Circuit

Court of Appeals below. This narrow question must therefore have been fully considered by this Court when it denied the petition for certiorari herein.

It is only one part of the Order of the Board, but a review of this question will hold up the enforcement of the entire Order. More important, whatever damage the petitioner may suffer by being required to pay these sums, is due to its own violation of law. The mere accident that a conflicting decision on this narrow issue has arisen before the close of the present term of this Court should not entitle the petitioner to take advantage of its own illegal conduct and secure further delay, deeply prejudicial to the rights of the approximately 5,000 workers who have suffered the loss of their livelihood and their fundamental right to free association due to the illegal conduct of the petitioner.

For the foregoing reasons, it is respectfully urged that the petition for rehearing be denied and the matter finally determined so that the rights of the workers can be vindicated through the prompt enforcement of the Order of the Board.

Respectfully submitted,

STEEL WORKERS ORGANIZING COMMITTEE

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